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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: MTBE PRODUCTS  
LIABILITY LITIGATION

00 CV 1898 (SAS)  
MDL 1358 (SAS)

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New York, N.Y.  
November 16, 2015  
2:33 p.m.

Before:

HON. SHIRA A. SCHEINDLIN,

District Judge

APPEARANCES (By Telephone)

NATHAN SHORT  
SCOTT KAUFF  
WILL PETIT  
Attorneys for Plaintiffs

ROBERT GOODMAN  
BARRY TEMKIN  
Attorneys for Defendants

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1 (In chambers; all counsel appearing via speakerphone)

2 THE COURT: This is Judge Scheindlin. Is Mr. Short on  
3 the line?

4 MR. SHORT: Yes, your Honor. Nathan Short and Scott  
5 Kauff.

6 THE COURT: Mr. Kauff and Mr. Petit?

7 MR. KAUFF: Yes, your Honor. Good afternoon.

8 THE COURT: And for defendants, Mr. Goodman and  
9 Mr. Temkin?

10 MR. GOODMAN: Yes, your Honor. Good afternoon.

11 THE COURT: And observing we have Mr. Ligh, Mr. Mock,  
12 Mr. Anderson, and Ms. Farley.

13 Is anybody else on the line whose name I didn't  
14 mention? Okay. Quiet must mean that I've called everybody's  
15 name.

16 I'm on the phone, obviously, in chambers with a court  
17 reporter. And the only topic today is the follow up from our  
18 last conference. After we converted the pending motion with  
19 respect to Trammo Caribbean from a motion to dismiss to summary  
20 judgment, there was a discovery conference in which I directed  
21 Trammo to turn over all documentation about the dissolution  
22 that would show whether it had a negative net worth at the  
23 time. And those documents were due to be produced on  
24 November 6. Today being November 16, ten days later, I was  
25 hoping for a report from the parties as to where we stand.

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1 MR. GOODMAN: On behalf of defendant, this is Robert  
2 Goodman. We did produce those documents on November 6 in  
3 accordance with the October 28 conference.

4 THE COURT: So would somebody report from the  
5 plaintiff's side what your views are now?

6 MR. SHORT: Your Honor.

7 THE COURT: Wait. Who's speaking?

8 MR. SHORT: This is Nathan Short.

9 In the ten days that we've had the documents, we've  
10 had a chance to do a cursory review of the documents and we, as  
11 a result of that review, we reached out to speak with counsel  
12 for Trammo Caribbean and would like to have some time to  
13 negotiate a possible stipulated dismissal. Those documents are  
14 consistent with the representations of counsel regarding what's  
15 contained therein.

16 THE COURT: Good.

17 MR. SHORT: And we spoke with counsel, Mr. Goodman and  
18 Mr. Temkin, earlier today and reached an agreement to discuss  
19 the language for a stipulated dismissal and wanted to request  
20 30 days of the Court to engage in that process.

21 THE COURT: Thirty days to work out the language of a  
22 stipulated dismissal? I just have to tell you my reaction is  
23 that is just extreme.

24 MR. SHORT: We believe that outside counsel would be  
25 able to reach agreement on language rather quickly. However,

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1 getting consent from the Secretary of Justice and the Secretary  
2 of the Commonwealth of Puerto Rico has taken some time.

3 THE COURT: Well, you know, I just want to get this  
4 done before the end of the year and before the holidays start.  
5 And you know whatever date I pick, somebody is going to say we  
6 need another bunch of weeks. And I'm telling you now if  
7 there's a way that I can enforce this, I'll think of something.  
8 We need to end this in 2015.

9 So I will say for no good reason that you have until  
10 December 11 to get this done. But if for some reason you fail,  
11 then you have to come into court and travel all this way to be  
12 here on the 14th and tell me why you're failing.

13 MR. SHORT: Your Honor, if I may make a suggestion.  
14 In the alternative, if we're not able to reach an agreement by  
15 the 11th, we would suggest that plaintiff be required to submit  
16 an opposition submission regarding the summary judgment.

17 THE COURT: Well, you really can't. I don't know that  
18 you can do that -- what's the phrase I want -- in accordance  
19 with your obligations under Rule 11. I'm not here to run a  
20 game. Either there's a case that should be pursued or there's  
21 a case that shouldn't be pursued. And it seems to me that  
22 having received these documents on November 6 and my giving you  
23 until December 11 to get it done, that's all I'm prepared to  
24 do. Do not file an opposition. Come in in person on the 14th,  
25 as I said, and look me in the eye and tell me what your

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1 problems are. That's it. That's my ruling. I hope it's quite  
2 clear. So I hope to hear from you with a stipulated dismissal  
3 by the 11th. But if not, you come into court on the 14th at  
4 4:30 and you explain it.

5 MR. SHORT: Yes, your Honor.

6 MR. GOODMAN: Yes, your Honor.

7 THE COURT: This is for both Puerto Rico cases, this  
8 would be one and two?

9 MR. GOODMAN: That's correct, your Honor.

10 THE COURT: Okay. Fine.

11 MR. SHORT: It would be to resolve not only the motion  
12 in the Puerto Rico two matter, but also would include a  
13 dismissal for the Puerto Rico one matter, same defendants.

14 THE COURT: I understand. That's what I just asked.

15 So I hope I don't see you on the 14th at 4:30. I hope  
16 you do find a way to resolve the matter and I appreciate that  
17 you're trying to do that. So thank you for your time.

18 MR. GOODMAN: Thank you, your Honor.

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